

REMARKS

The Office Action of January 20, 2010, has been reviewed and these remarks are responsive thereto. Claims 11-13 have been added. No new matter has been added. Claims 1-13 are pending upon entry of the present paper. Reconsideration and allowance of the instant application are respectfully requested.

Rejections Under 35 U.S.C. § 102

Claims 1-4, 7, and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by European Patent Application Publication EP1109382 to Mantyjarvi et al. ("Mantyjarvi"). This rejection is traversed below.

For a section 102 rejection to be proper, an applied reference must teach every aspect of the claimed invention either explicitly or impliedly, and any feature not directly taught must be inherently present – in other words, no question of obviousness is present. MPEP § 706.02 (V). Mantyjarvi fails to anticipate claims 1-4, 7, and 10, as the current section 102 rejection fails to meet the requirements/standard of a proper section 102 rejection for at least the reasons discussed below.

Claim 1 recites, among other features, "detecting a change of state of motion of a terminal." The Office Action at page 2 contends that Mantyjarvi at paragraph [0013] (lines 32-36) describes features related to detecting a change of state of motion of a telephone. However, neither Mantyjarvi at the cited passage, nor any other passage of Mantyjarvi, describes such features. Instead, Mantyjarvi at paragraph [0014] describes a keyboard lock function based on a different principle of operation – namely, a user (proximately) touching a mobile station 1. In Mantyjarvi, the keyboard lock function is activated in accordance with one of three techniques:

- (1) measurement of galvanic skin response (GSR) via electrodes 7 and 8 (see paragraphs [0019], [0021], [0023]),
- (2) detection of skin tissue via a capacity proximity (CP) sensor arrangement (see paragraphs [0025]-[0027]), and
- (3) pressure detection via one or more pressure sensors (see paragraph [0032]).

Mantyjarvi at paragraphs [0028]-[0030] and Figure 5 describes engaging the keyboard lock function when one or more of the three techniques described above generates a positive

result. Thus, the keyboard lock function in Mantyjarvi is based on a user (proximately) touching the mobile station 1, and is not based on a change of state of motion of the mobile station 1. Mantyjarvi fails to anticipate claim 1 for at least the foregoing reasons.

Claims 7 and 10 each recite features similar to those described above with respect to claim 1. Claims 7 and 10 are distinguishable from Mantyjarvi for at least reasons similar to those discussed above with respect to claim 1.

Claims 2-4 depend from claim 1 and are distinguishable from Mantyjarvi for at least the same reasons as claim 1.

Rejections Under 35 U.S.C. § 103

Claims 5, 6, 8, and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mantyjarvi in view of U.S. pub. no. 2005/0046580 to Miranda-Knapp et al. (“Miranda”). This rejection is traversed below.

Claims 5, 6, 8, and 9, which each depend from at least one of claims 1 and 7, are allowable for at least the same reasons as their respective base claims. Claims 5, 6, 8, and 9 are further distinguishable from the applied documents in view of the unique combinations of features recited therein. For example, amended claim 8 recites “monitor, during a first predetermined time period, for activity indicative of any activity purposefully induced by a user with respect to a functionality associated with the apparatus and, when said first time period has lapsed and activity indicative of purposeful user-induced activity has not been detected, establish an absence of purposeful user-induced activity.”¹ The Office Action at pages 6-7 correctly indicates that Mantyjarvi fails to disclose such features, but contends that Miranda at paragraph [0018] (lines 1-10) describes monitoring, during a first predetermined time period, any activity induced by a user and, when said first time period has lapsed and user-induced activity has not been detected, establish an absence of user-induced activity. The Office Action at page 7 further contends that it would have been obvious to one of ordinary skill in the art at the time of the

¹ Regarding the addition of the term “purposeful” in claim 8, Applicants refer to the filed specification as a whole for illustrative, non-limiting support, and in particular, page 1, lines 6-14; page 2, lines 14-22 (describing overcoming accidental manipulation of input means of a telephone); and page 7, lines 19-23 (providing a desired user-induced action, such as changing properties of a display on a phone).

invention to combine Mantyjarvi with Miranda to add a motion-sensing device that can detect the impact resulting if a phone were dropped (citing Miranda at paragraph [0013] (lines 18-20)).

Even assuming (without admitting) that dropping a phone could have been analogized to a user-induced activity, the dropping of the phone in Miranda is not activity indicative of any activity purposefully induced by a user with respect to a functionality associated with the phone. Indeed, the point of Miranda is to notify a user when the user drops his/her portable communication device 10 so it is not lost or used without permission. *See, e.g.*, Miranda at paragraphs [0011]-[0012]. Thus, amended claim 8 is further distinguishable from the applied documents (notwithstanding whether the combination of Mantyjarvi and Miranda would have been proper).

New Claims

Claims 11-13 are new. Illustrative, non-limiting support for the features of claims 11 and 12 may be found in the filed specification when read as a whole, and for example, at page 8, lines 1-21. Illustrative, non-limiting support for the features of claim 13 may be found in the filed specification when read as a whole, and for example, at 1, lines 6-14 and page 7, lines 19-23.

CONCLUSION

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,
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